

Appl. No. 10/013,097
Reply Filed: November 30, 2006
Reply to Office Action of: August 31, 2006

REMARKS

In response to the Office Action of August 31, 2006, the Applicant submits this Reply. In view of the foregoing amendments and following remarks, reconsideration is requested.

Claims 1-12 remain in this application, of which claims 1, 4, 7 and 10 are independent.

Rejection under 35 U.S.C. §112, second paragraph

Claims 1 and 7 were rejected because the Examiner stated that it was not clear whether "using the evolved property definition" modified "redirecting" or "first implementation" or something else. The claims have been amended to provide clarification, by indicating that the evolved property definition is used to redirect accesses. It is respectfully submitted that these amendments and arguments overcome the rejection under 35 U.S.C. 112, second paragraph.

Rejection Under 35 U.S.C. §101

Claims 1-6 and 10-12 were rejected under 35 U.S.C. §101. The rejection is respectfully traversed.

Regarding claims 1-6, various elements of the claims are presented in "means plus function" format. The Office Action asserts that these elements are "software per se", which is incapable of producing tangible results without computer hardware, and then concludes that the claim is not statutory. The premise on which this rejection is based (namely, that various claim elements are "software per se") is erroneous, and therefore the rejection should be withdrawn. In particular, the claim elements recited in means-plus-function format must be construed to cover "the corresponding structure, material, or acts described in the specification and equivalents thereof." 35 U.S.C. §112, sixth paragraph. If software per se is insufficient to perform the recited function, as suggested by the Office Action, then the claim element cannot be construed to be software per se. Because computer hardware is described as performing the recited functions (see the description of the operation of this system in connection with Fig. 2), then the claim element cannot be construed to be software per se and must be interpreted to include the computer hardware that uses the software to implement the recited function. Accordingly, the rejection of claims 1-6 under 35 U.S.C. §101 is traversed.

Regarding claims 10-12, the Office Action claims that the step of "specifying" is merely a compilation or arrangement of data, and the step of "maintaining" is insufficient to provide

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"the required practical application." This rejection is respectfully traversed. First, the claim has been amended to clarify that the method is "computer-implemented". Second, patentable subject matter under 35 U.S.C. §101 is determined by evaluating the claim as a whole, not specific elements of the claim. The claim as a whole recites allowing an application using a first implementation of a metadata schema to access data stored using a second implementation of a metadata schema by, among other things, specifying a synthesized property definition and adding this synthesized property definition as a property of an object in the metadata schema of a data file. This transformation of the data file as defined by the claim as a whole clearly produces "a useful, concrete and tangible result", namely, a data file that can be processed using the application. Accordingly, the rejection of claims 10-12 under 35 U.S.C. §101 is traversed.

Rejection Under 35 U.S.C. §102

Claims 1-12, of which claims 1, 4, 7 and 10, are independent, were rejected under 35 U.S.C. §102 in view of U.S. Patent 6,199,130 ("Nguyen"). The rejection is respectfully traversed. This rejection is essentially the same as the rejection in the prior Office Action.

According to *Nguyen*, a data format conversion unit 184 (Fig. 1b) "performs the conversion process by creating a target instance that corresponds to the stored instance, but in which the data is stored in the target format." *Nguyen*, Col. 10, lines 35-38. To perform this process, *Nguyen* teaches using a schema version table. See Col. 8 and Figs. 3b and 4b (element 316).

In Applicant's prior reply, it was noted that the independent claims as amended are distinguished from *Nguyen*, at least by reciting that "evolved property definitions" (claims 1 and 7) or "synthesized property definitions" (claims 4 and 10) are "added as a property of the object in the metadata schema in the data file." Applicant argued that *Nguyen* neither teaches nor suggests making any modifications to a metadata schema in the data file that contains the data in the second application that is being used by the first application. The Office Action asserts that the claims did not include such a limitation (see Office Action, page 10, lines 8-14). This assertion is incorrect. The claims specifically recite "adding the evolved property definition as a property of the object in the metadata schema in the data file" (claims 1 and 7) and "adding the synthesized property definition as a property of the object in the metadata schema in the data file" (claims 4 and 10). *Nguyen* neither teaches nor suggests making any modification to a

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metadata schema in the data file, let alone the claimed *"adding the evolved property definition as a property of the object in the metadata schema in the data file"* (claims 1 and 7) and *"adding the synthesized property definition as a property of the object in the metadata schema in the data file"* (claims 4 and 10). Note that the data file, as claimed, includes "data describing media essence, data describing metadata objects that reference the media essence and data describing the second implementation of the metadata schema."

Further, the independent claims as amended recite that "the data stored using the second implementation includes a data file comprising data describing media essence, data describing metadata objects that reference the media essence and data describing the second implementation of the metadata schema." *Nguyen* fails to teach or suggest this limitation. This limitation was not given any patentable weight because it was in the preamble of the claims (see Office Action, paragraph bridging pages 9 and 10). The foregoing amendments place this limitation in the body of the claims. Therefore, it should be given patentable weight.

Accordingly, the rejection of claims 1-12 under 35 U.S.C. §102 is traversed.

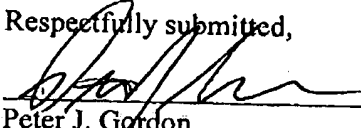
CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any fee to **Deposit Account No. 50-0876**.

November 30, 2006

Respectfully submitted,


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